IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 757 OF 2006

Shri S. Balkrishnan .. Petitioner.

vs.

State of Maharashtra

& Ors. .. Respondents.

Mr. Nitin Whatkar a/w Prajit Manjrekar i/by G.S. Hiranandani for petitioner.

Mr. P.M. Palshikar, AGP., for respondent no.1.

Mr. Birendra Saraf a/w Vinod Kothari i/by Apex Law Partners for R. No. 3.

CORAM : S.U. KAMDAR, J.

DATE : 17th April, 2006.

P.C.:

. The learned counsel for respondent no. 3 states that the respondent no. 3 will pay the salary for the month of February 2002 of the sum of Rs. 22,000/- to the petitioner as monthly salary for the said month which has only remained outstanding. In so far as the gratuity amount is concerned, the learned counsel appearing for the respondent no. 3 states that he will compute the

gratuity amount at the rate of last drawn salary of Rs. 22,000/- and pay the said amount along with interest at the rate of 6% per annum upto the date of payment i.e. 30.6.2005 and the difference of the amount which is yet not paid, the interest will be till the date of payment. The respondent no. 3 will be entitled to effect all deductions including tax deductions which are permissible in accordance with law. In so far as the claim of the petitioner for payment of gratuity on salary as per the appointment letter is concerned, the learned counsel for the petitioner states that he has already filed a suit being Suit No. 1669 of 2005 and shall claim the further amount of gratuity if he succeeds in the said suit.

2. All the aforesaid amount together with interest to be paid within a period of six months.

3. The petition is accordingly disposed of. However, there shall be no order as to costs.